

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS

ART AKIANE LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:20-cv-05643
	)	
MARDEL, INC., ST. JUDE SHOP,	)	Hon. Judge John J. Tharp, Jr.
INC., and CHRISTIANBOOK, LLC,	)	
	)	
Defendants	)	

**DECLARATION OF LOUIS R. DICOCCO**

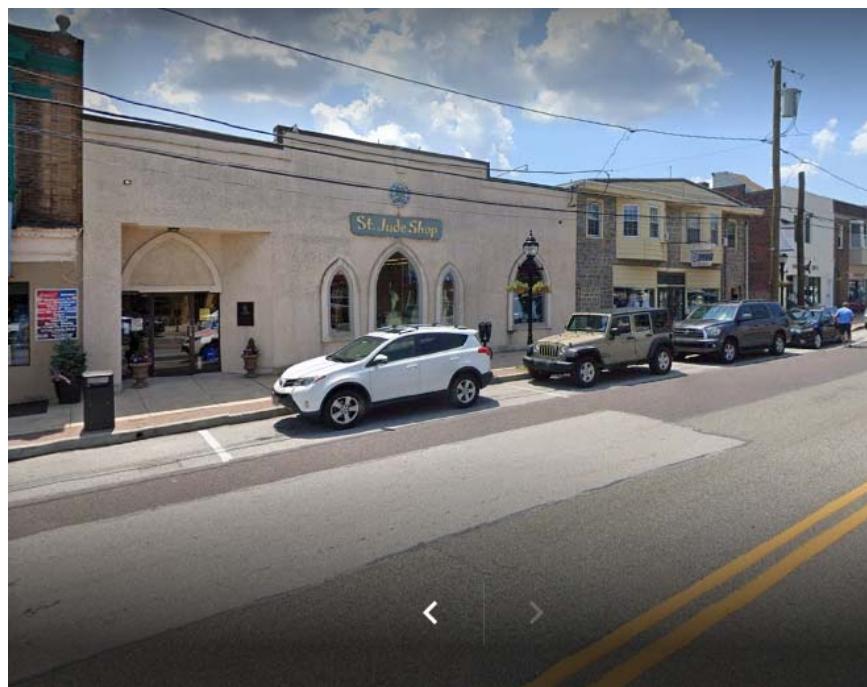
I, Louis R. DiCocco, hereby declare as follows:

1. I am the President of the St Jude Shop, Inc (the “St. Jude Shop”). I am authorized to make this declaration on St. Jude Shop’s behalf. Unless otherwise stated, I have first hand knowledge of all facts set forth in this declaration, either through my own personal knowledge or my review of the business records of the St. Jude Shop. I would and could testify competently to the matters set forth in this declaration if call upon to do so.

2. In 1965, I founded with my mother Norma DiCocco St. Jude Shop in Havertown, Pennsylvania. The store specializes in religious goods for retail. We offer (a) church supplies, (b) religious articles, (c) seasonal catalogs, and (d) an art studio of liturgical arts. Over the years, St. Jude Shop grew to other retail outlets in Northeast Philadelphia, South Philadelphia, Center City Philadelphia, Malvern PA, Sommerville, NJ, and Cherry Hill, NJ. But recently, St. Jude Shop has refocused its retail presence only to the Havertown, PA location. We currently and have never had any physical contact with the Midwest or the State of Illinois.

3. On February 2, 2021, I offered this Court a first Declaration relating to our purchase of products in dispute in this matter. St. Jude Shop has no retail location in Illinois, St Jude Shop, Inc. is not an Illinois corporation, and St. Jude Shop has no principal place of business in Illinois. None of its principals are Illinois residents and St. Jude Shop does not employ sales agents canvassing Illinois.

4. St Jude Shop's single retail location is located at 21 Brookline Blvd, Havertown, PA. Below is an image of outside of the store and a photo of the team located inside the shop and surrounded by thousands of the products sold.



Outside View of St Jude Shop



Inside view of St Jude Shop

5. The Court can see how St. Jude Shop sells thousands of products from third parties.

The allegations suggest that St. Jude Shop is somehow involved in a conspiracy to defraud an artist by creating and selling illegal copies. This suggestion is absurd and St. Jude Shop believes Pennsylvania Courts are the proper venue to resolve these false and misleading allegations. The mere notion Plaintiff has attacked and desires to litigate against a loyal retail outlet which valued and featured her works for years is absurd and illogical.

6. We do not believe St. Jude Shop should be drawn into a two year old lawsuit located in Illinois in a global pandemic. This has and will result in great harm to our family business who already had to hire local counsel to defend these baseless accusations.

7. We have been asked to quantify the sales of products in dispute in this matter featuring the art of Art Akiane.

8. St. Jude Shop pulled online sales between 1/1/2018 and 2/12/2021 for the products in dispute. A copy of this report is attached as Exhibit A. During this period, St Jude sold a total of \$2,084.55 in goods over the website. Attached as Exhibit B is the only order #97614 which was

billed and shipped to Art Akiane LLC, 585 Sumac Road, Unit 1250, Highland Park, Illinois 60035, the Plaintiff in this case. St. Jude Shop has made no online sales to Illinois during this period.

9. But it appears, for some strange reason, that this Plaintiff places little to no trust in the collaborators it has used for a decade to promote its works. Looking further into our archives for possible secondary links with the State of Illinois, attached as Exhibit C are the only two products in this category. The first sale was invoiced #44793 and dates back 5 years to **December 5, 2016**, for one product for \$112.95 shipped to Niles, Illinois, 60714. The second sale is invoice dates back 4 years as invoice #47952 from **February 7<sup>th</sup>, 2017**, for one product for \$169.50 shipped to Chicago, Illinois 60646. No other sales in this category were sent to Illinois Corporations or Illinois residents. The total sales reviewed in this category rise to \$18,293.15.

10. Looking also at the archives of sold products at our retail location in Pennsylvania, often paid in cash or credit cards in the store shown above, out of \$11,285.00 in sales over the past 6+ years, only three individuals provided us with Illinois-based contact information. A copy of these is attached Exhibit D. The first Customer 03C-192377, purchased on **September 3, 2015**, a small item for \$7.80. The second is Customer 03C-195115, purchased **June 16, 2016**, a small item also for \$7.80. The third and last Customer 03C-198589, purchased on **January 30, 2018**, one small product for \$19.40. Once again, these sales performed in Pennsylvania are unrelated to Illinois.

11. I have been advised that since the current matter relates to possible issues with copies of images authored by Art Akiane, and that the lawsuit was filed on September 23, 2020, the rules of Copyright Law and its statute of limitations of three years limit our search to the period of September 23, 2017 to September 23, 2020. Conservatively, as explained above, we have

opened the search to provide the Court with all of the useful and needed information is needs to find St. Jude Shop not to have given Illinois jurisdiction.

12. Having conducted a full good faith investigation of all available invoices and available archives for online and non-online sales for the goods totaling \$31,662.70 over a period ranging 6+ years, both at our retail location, ordered directly online (excluding the bad faith sale from the Plaintiff), these sales total over 6+ years to \$317.45:

May 24, 2019	\$70.00	Exhibit B** Sale to Plaintiff
<b>Jan. 30, 2018</b>	<b>\$19.40</b>	<b>Exhibit D</b>
Feb. 7, 2017	\$169.50	Exhibit C
June 16, 2016	\$7.80	Exhibit D
Dec. 5, 2016	\$112.95	Exhibit C
Sept. 3, 2015	\$7.80	Exhibit D

13. In the above, only one single sale of \$19.40, is at issue in the related period. It is inconceivable to me that a family business from Pennsylvania, who did not sell a single product over the website aside from Plaintiff's bad faith purchase during the last three years would be dragged in Illinois Courts simply because one customer used an Illinois credit card in PA.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

*Feb. 17, 2021*



Louis R. DiCocco

## **EXHIBIT A**

## Product details

Search



Jan 1, 2018 - Feb 12, 2021

23402

All products &gt; Prince%20of%20Peace-Isaiah

Product (Prince%20of%20Peace-Isaiah) SKUs

Revenue	Average price	Quantity sold
\$0.00	\$0.00	0
0.00%	0.00%	0.00%

Orders	Visits	Abandon rate
0	0	0.00%
0.00%	0.00%	0.00%

## SKUs

SKU code	Revenue	Quantity sold	Orders
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## Product details

Search



Jan 1, 2018 Feb 12, 2021

All products &gt; Prince%20of%20Peace-23411

Product (Prince%20of%20Peace 23411) SKUs

23411

Revenue	Average price	Quantity sold
\$0.00	\$0.00	0
0.00%	0.00%	0.00%

Orders	Visits	Abandon rate
0	0	0.00%
0.00%	0.00%	0.00%

## SKUs

SKU code	Revenue	Quantity sold	Orders
----------	---------	---------------	--------

## Product details

Search



Jan 1, 2018 Feb 12, 2021

All products

Prince%20of%20Peace%2C%20Framed%20Artwork%2023409

23409

Product (Prince%20of%20Peace%2C%20Framed%20Artwork%2023409) SKUs

Revenue	Average price	Quantity sold
\$0.00	\$0.00	0
0.00%	0.00%	0.00%

Orders	Visits	Abandon rate
0	0	0.00%
0.00%	0.00%	0.00%

## SKUs

SKU code	Revenue	Quantity sold	Orders
----------	---------	---------------	--------

## Product details

Search



Jan 1, 2018 - Feb 12, 2021

All products &gt; 12217

23453

Fleur de Lis Paschal Candles SKUs

Revenue	Average price	Quantity sold
\$588.55	\$196.18	3

Orders	Visits	Abandon rate
3	128	64.29%

## SKUs

SKU code	Revenue	Quantity sold	Orders
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## Product details

Search



Jan 1, 2018 Feb 12, 2021

All products &gt; 10734

AK-295

Prince of Peace Journal Ensemble SKUs

Revenue	Average price	Quantity sold
\$636.40	\$19.89	32

Orders	Visits	Abandon rate
25	331	62.32%

## SKUs

SKU code	Revenue	Quantity sold	Orders
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## Product details

Search



Jan 1, 2018

Feb 12, 2021

All products &gt; 10733

Prince of Peace Tapestry SKUs

AK-601

Revenue	Average price	Quantity sold
\$789.60	\$98.70	8

Orders	Visits	Abandon rate
8	573	75.76%

## SKUs

SKU code	Revenue	Quantity sold	Orders

## Product details

Search



Jan 1, 2018

Feb 12, 2021

All products &gt; 10493

23455

Prince of Peace, Framed Artwork 13.5 x14.5in SKUs

Revenue	Average price	Quantity sold
\$0.00	\$0.00	0
0.00%	0.00%	0.00%

Orders	Visits	Abandon rate
0	187	0.00%
0.00%		0.00%

## SKUs

SKU code	Revenue	Quantity sold	Orders
----------	---------	---------------	--------

## Product details

Search



Jan 1, 2018 - Feb 12, 2021

All products &gt; 3712

#23459

Prince of Peace-And He shall be called, 13x11in SKUs



Revenue	Average price	Quantity sold
\$70.00	\$70.00	1

Orders	Visits	Abandon rate
1	180	85.71%

## SKUs

SKU code	Revenue	Quantity sold	Orders

## **EXHIBIT B**



## St. Jude Shop, Inc. Invoice for Order #97614

21 Brookline Blvd  
Havertown, PA 19083

**Billing Details**

**Mark Kramarik**  
Art Akiane LLC  
833 Central Ave.  
Unit 1250  
Highland Park, Illinois 60035  
United States

Title

Phone: 2084161631  
Email: marks kramarik7@yahoo.com

Order: #97614

Payment Method: PayPal (\$83.00)

**Shipping Details**

**Mark Kramarik**  
Art Akiane LLC  
585 Sumac Road  
Unit 1250  
Highland Park, Illinois 60035  
United States

Title

Phone: 2084161631  
Email: prints@artakiane.com

Order Date: 24th May 2019

Shipping Method: Standard shipping 3-5 day

**Order Items**

Qty	Code/SKU	Product Name	Price	Total
1	23459	Prince of Peace-And He shall be called, 13x11in	\$70.00 USD	\$70.00 USD
			Subtotal:	\$70.00 USD
			Shipping:	\$13.00 USD
			<b>Grand Total:</b>	<b>\$83.00 USD</b>

## **EXHIBIT C**



## St. Jude Shop, Inc. Invoice for Order #47952

21 Brookline Blvd  
Havertown, PA 19083

### Billing Details

**Marcos**  
W. Walton St.  
Chicago, Illinois 60651  
United States

Title  
Mr.

Phone  
Email:

Order: #47952  
Payment Method: Credit Card (\$169.50)

### Shipping Details

**Ana**  
North Nagle  
Chicago, Illinois 60646  
United States

Title  
Ms.

Phone  
Email:

Order Date: 7th Feb 2017  
Shipping Method: USPS (Priority Mail)

### Order Items

Qty	Code/SKU	Product Name	Price	Total
1	23453	Prince of Peace Framed Art-23453	\$159.00 USD	\$159.00 USD
			Subtotal:	\$159.00 USD
			Shipping:	\$10.50 USD
			<b>Grand Total:</b>	<b>\$169.50 USD</b>



## St. Jude Shop, Inc. Invoice for Order #44793

21 Brookline Blvd  
Havertown, PA 19083

### Billing Details

Annette [REDACTED]  
[REDACTED]  
Niles, Illinois 60714  
United States

Title

Phone: [REDACTED]  
Email: [REDACTED]

Order: #44793

Payment Method: Credit Card (\$112.95)

### Shipping Details

Annette [REDACTED]  
[REDACTED]  
Niles, Illinois 60714  
United States

Title

Phone: [REDACTED]  
Email: [REDACTED]

Order Date: 5th Dec 2016

Shipping Method: USPS (Priority Mail)

### Order Items

Qty	Code/SKU	Product Name	Price	Total
1	23455	Prince of Peace-23455	\$98.00 USD	\$98.00 USD
			Subtotal:	\$98.00 USD
			Shipping:	\$14.95 USD
			Grand Total:	\$112.95 USD

## **EXHIBIT D**

## Customers

ST. JUDE SHOP, INC.

1. Customer #	03C 192377		
2. First name			
3. Address 1			
4. City	CRESTWOOD	State	IL Zip code 60445
5. Contact-1	Phone 1		
6. Contact-2	Phone 2		
7. Email			
8. Sales rep	NONE	NONE	
9. Parent cust			
10. Cust type	Misc cash	20. Ecommerce ?	N
11. Category	RET Retail	21. Unposted bal	.00
12. Tax code	NONE PER LOCATION	22. Credit limit	300
13. Tax exempt #		23. Credit rating	
14. Ship-via	UPS United Parcel Servic	24. Credit hold	None
15. Ship zone	(Not applicable)	25. Allow checks ?	Y
16. Commis pct		26. First sale on	9/03/15
17. Discount pct	.000	27. Last sale on	9/03/15
18. Card-#/Exp	*****6353	28. Last sale amt	7.80
19. Comment	/1017	29. (Reserved)	

View ticket history

ST. JUDE SHOP, INC.

Store # 1  
Ticket # 434108Cust #: 03C-192377  
P.O. #:

Date: 9/03/15

Item number	Description	Qty	Price	Ext price
01 011C	PRINCE/PEACE LAMM.WALLET	4	1.950	7.80

No. of lines	1	CARD	10.80	7.80
Order number	202980		Discount	.00
Order date	9/03/15		Tax	.00
Location	MAIN		Freight	3.00
Profit center	000		Total	10.80

## Customers

ST. JUDE SHOP, INC.

1. Customer #	03C-195115		
2. First name			
3. Address-1			
4. City	CRYSTAL LAKE	State	IL Zip code 60012
5. Contact-1	Phone-1		
6. Contact-2	Phone-2		
7. Email			
8. Sales rep	NONE	NONE	
9. Parent cust			
10. Cust type	Misc cash	20. Ecommerce ? N	
11. Category	RET Retail	21. Unposted bal .00	
12. Tax code	EX Exempt	22. Credit limit 300	
13. Tax exempt #	UPS United Parcel Servic	23. Credit rating	
14. Ship-via	(Not applicable)	24. Credit hold None	
15. Ship zone	.000	25. Allow checks ? Y	
16. Commis pct	*****7179	/0219	26. First sale on 6/16/16
17. Discount pct			27. Last sale on 6/16/16
18. Card-#/Exp			28. Last sale amt 7.80
19. Comment			29. (Reserved)

View ticket history

ST. JUDE SHOP, INC.

Store # 1 Cust-#: 03C-195115 Date: 6/16/16  
Ticket # 473502 P.O.#: [REDACTED]

Item number	Description	Qty	Price	Ext price
01-011C	PRINCE/PEACE LAMM.WALLET T	4	1.950	7.80

No. of lines	1	CARD	8.75	7.80
Order number	212524			.00
Order date	6/13/16			.00
Location	MAIN			.95
Profit center	000			8.75
			Discount	
			Tax	
			Freight	
			Total	

## Customers

ST. JUDE SHOP, INC.

1. Customer #	03C-198589		
2. First name			
3. Address-1			
4. City	CHICAGO	State	IL Zip code 60652
5. Contact-1	Phone-1		
6. Contact-2	Phone-2		
7. Email			
8. Sales rep	NONE	NONE	
9. Parent cust			
10. Cust type	Misc cash	20. Ecommerce ?	N
11. Category	RET Retail	21. Unposted bal	.00
12. Tax code	EX Exempt	22. Credit limit	300
13. Tax exempt #	UPS United Parcel Servic	23. Credit rating	
14. Ship-via	(Not applicable)	24. Credit hold	None
15. Ship zone	.000	25. Allow checks ?	Y
16. Commis pct	*****3804	26. First sale on	1/30/18
17. Discount pct	/0420	27. Last sale on	1/30/18
18. Card-#/Exp		28. Last sale amt	19.50
19. Comment	29. (Reserved)		

View ticket history

ST. JUDE SHOP, INC.

Store-# 1 Cust-#: 03C 198589 Date: 1/30/18  
Ticket-# 534533 P.O.#: [REDACTED]

Item number	Description	Qty	Price	Ext price
01-011C	PRINCE/PEACE LAMM.WALLET T	10	1.950	19.50

No. of lines	1	CCC	23.45	19.50
Order number	229059		Discount	.00
Order date	1/29/18		Tax	.00
Location	MAIN		Freight	3.95
Profit center	000		Total	23.45